HIGH COURT OF CHHATTISGARH AT BILASPUR

Misc.Appeal No.714/2002

CORAM: Hon'ble Shri S.R.Nayak, Chief Justice &
Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Appellant Non-Applicant No.2 : Chhattisgarh State Electricity Board, Through The Executive Engineer (Workshop & Garrage) Korba West, Darri Tahsil-Katghora, Dist. Korba.

Versus

Respondents Claimants :
1. Phuleshwari Bai, W/o Chhatram Sahu, Aged 34 years.
2. Arvind Kumar Sahu, Aged 17 years, S/o Late Chhatram Sahu.
3. Ku. Nandini Sahu, D/o Late Chhatram Sahu, Aged 11 years.
4. Ravi Kumar Sahu, Aged 9 years, S/o Late Chhatram Sahu.

(Respts.No.3 to 4 Minors, through the Guardian, mother)
(All Residents of MPEB Colony, (West), Kailash Vihar, House No.S.F.-271, Darri, Tahsil-Katghora, Dist: Korba)

5. Nathulal Yadav, (Driver), S/o Maniram, Aged about 38 years, Resident of, Kailash Vihar, Darri, Police Station Darri, Tahsil-Katghora.
6. The Oriental Insurance Company Ltd. Through the Senior Divisional Manager, Korba, District Korba.

Shri Yogesh Pandey, Counsel for the appellant.

ORAL ORDER
(Passed on 13.2.2006)

The following oral order of the Court was passed by DILIP RAOSAHEB DESHMUKH, J.

The only point urged by the appellant in this Misc. Appeal is that the Motor Accidents Claims Tribunal (M.A.C.T.) has erred in exonerating the Insurer from its liability to pay compensation.

2. Brief facts of the case are that the deceased was sitting on the cabin of the truck belonging to Chhattisgarh State Electricity Board (C.S.E.B.). He got in contact with the cable wire, fell down and died. The learned M.A.C.T. found that there was a clear breach of policy of insurance and exonerated the Insurer.

3. In our considered opinion, the order passed by the learned M.A.C.T. does not suffer from any infirmity. This being devoid of merit is dismissed. No order as to costs.

Sd/-
CHIEF JUSTICE

Sd/-
Dilip Raosaheb Deshmukh
Judge

Anjani